

**CREATION OF THE KENDALL COUNTY WATER CONTROL
AND IMPROVEMENT DISTRICT NO. 4; GRANTING A
LIMITED POWER OF EMINENT DOMAIN; PROVIDING
AUTHORITY TO ISSUE BONDS; PROVIDING AUTHORITY TO
IMPOSE ASSESSMENTS, FEES, AND TAXES**

CHAPTER 664

S.B. No. 2273

AN ACT

relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9074 to read as follows:

**CHAPTER 9074. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 4**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9074.001. **DEFINITIONS.** *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Kendall County Water Control and Improvement District No. 4.

Sec. 9074.002. **NATURE OF DISTRICT.** *The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.*

Sec. 9074.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 9074.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors may not hold an election under Section 9074.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 9074.005. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

- (1) *a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 9074.006. **INITIAL DISTRICT TERRITORY.** (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) *organization, existence, or validity;*
- (2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*

- (3) right to impose a tax; or
- (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9074.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

- (b) Except as provided by Section 9074.052, directors serve staggered four-year terms.*

Sec. 9074.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Stacy Keller-Lassiter;*
- (2) Doug Knell;*
- (3) Max Simpson;*
- (4) Victor Cummings; and*
- (5) Kenneth Myers.*

- (b) Temporary directors serve until the earlier of:*

- (1) the date permanent directors are elected under Section 9074.003; or*
- (2) the fourth anniversary of the effective date of the Act enacting this chapter.*

(c) If permanent directors have not been elected under Section 9074.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 9074.003; or*
- (2) the fourth anniversary of the date of the appointment or reappointment.*

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9074.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 9074.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9074.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 9074.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 9074.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR

RESOLUTION. *The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042 or 42.0425, Local Government Code, and consents to the creation of the district or to the inclusion of land in the district.*

Sec. 9074.106. DIVISION OF DISTRICT. (a) *The district may be divided into two or more new districts only if the district:*

- (1) *has no outstanding bonded debt; and*
- (2) *is not imposing ad valorem taxes.*

(b) *This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.*

(c) *Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.*

(d) *The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.*

(e) *The board may adopt an order dividing the district before or after the date the board holds an election under Section 9074.003 to confirm the district's creation.*

(f) *An order dividing the district shall:*

- (1) *name each new district;*
- (2) *include the metes and bounds description of the territory of each new district;*
- (3) *appoint temporary directors for each new district; and*
- (4) *provide for the division of assets and liabilities between or among the new districts.*

(g) *On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.*

(h) *Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 9074.003.*

(i) *Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.*

Sec. 9074.107. LIMITATION ON USE OF EMINENT DOMAIN. *The district may not exercise the power of eminent domain outside the district boundaries to acquire a site or easement for:*

- (1) *a recreational facility, as defined by Section 49.462, Water Code; or*
- (2) *a road project authorized by Section 9074.103.*

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9074.151. ELECTIONS REGARDING TAXES OR BONDS. (a) *The district may issue, without an election, bonds and other obligations secured by:*

- (1) *revenue other than ad valorem taxes; or*
- (2) *contract payments described by Section 9074.153.*

(b) *The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.*

(c) *The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.*

Sec. 9074.152. OPERATION AND MAINTENANCE TAX. (a) *If authorized at an*

election held under Section 9074.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9074.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9074.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9074.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9074.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Kendall County Water Control and Improvement District No. 4 initially includes all the territory contained in the following area:

Being 151.629 acres of land and being 98.165 acres out of the Miguel Garcia Survey No. 213, Abstract No. 197 and 53.198 acres out of the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas, being that same 151.763 acre tract of land as conveyed by deed recorded in Volume 1503, Page 560, Official Public Records of Kendall County, Texas, Said 151.629 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with MDS cap set in the south right-of-way line of State Highway No. 46 (100.00-foot wide right-of-way) at the northwest corner of the called 151.763 acre tract, the northeast corner of the remaining portion of a called 347.5 acre tract recorded in Volume 62 Page 251, Deed Records of Kendall County, Texas, said point being the northwest corner of the tract herein described;

THENCE, along the south right-of-way line of State Highway No. 46, the north boundary line of the called 151.763 acre tract, the following courses and distances:

North 83°23'20" East, a distance of 1805.20 feet (North 83°45' East, a distance of 1805.2 feet- record), to a 1/2" rebar with MDS cap set for point of curvature of a curve to the left;

Curving to the left with a radius of 1482.34 feet (1482.34 feet-record), a central angle of 17°07'12" (17°07'-record), a chord bearing and distance of North 74°49'43" East, 441.28 feet, and an arc length of 442.93 feet (442.8 feet-record), to a 1/2" rebar with MDS cap set for point of tangency;

North 66°16'07" East, a distance of 142.67 feet (North 66°51' East, a distance of 142.2 feet- record), to a 1/2" rebar with MDS cap set at the northeast corner of the called 151.763 acre tract, the northwest corner of the remaining portion of a called 300 acre tract recorded in Volume 65, Page 377, Deed Records of Kendall County, Texas, said point being the northeast corner of the tract herein described;

THENCE, departing the south right-of-way line of State Highway No. 46, along the east

boundary line of the called 151.763 acre tract, the west boundary line of the remaining portion of the called 300 acre tract, the following courses and distances:

South 00°38'03" West, a distance of 771.60 feet (South 01°02' West, a distance of 771.6 feet- record), to a 4" cedar fence post found for angle point;

South 00°31'29" West, a distance of 441.37 feet, (South 00°55' West, a distance of 440.2 feet- record), to a 6" cedar fence post found for corner;

North 89°59'11" East, a distance of 253.59 feet, (South 89°35' East, a distance of 252.4 feet - record), to a 4" cedar fence post found for angle point;

South 89°55'19" East, a distance of 443.77 feet, (South 89°30' East, a distance of 445.4 feet- record), to a 10" cedar fence post found for corner;

South 00°13'00" West, a distance of 1959.06 feet, (South 00°37' West, a distance of 1959.6 feet-record), to a 10" cedar fence post found at the southeast corner of the called 151.763 acre tract, the southwest corner of the remaining portion of the called 300 acre tract, being in the north boundary line of a called 293.6 acre tract recorded in Volume 63, Page 209, Deed Records of Kendall County, Texas, said point being the southeast corner of the tract herein described;

THENCE, along the south boundary line of the called 151.763 acre tract, the north boundary line of the called 293.6 acre tract, the following courses and distances:

North 88°47'20" West, a distance of 431.20 feet, (North 88°20' West, a distance of 433.6 feet- record), to a 6" cedar fence post found for angle point;

North 88°42'19" West, a distance of 1219.83 feet, (North 88°24' West, a distance of 1218.1 feet-record), to a 1/2" rebar found at the southwest corner of the called 151.763 acre tract, the northwest corner of the called 293.6 acre tract, being in the east boundary line of the remaining portion of a called 347.5 acre tract recorded in Volume 62, Page 251, Deed Records of Kendall County, Texas, said point being the southwest corner of the tract herein described;

THENCE, along the west boundary line of the called 151.763 acre tract, the east boundary line of the remaining portion of the called 347.5 acre tract, the following courses and distances:

North 02°12'22" West, a distance of 60.45 feet, (North 01°56' West, a distance of 61.1 feet- record), to a 6" cedar fence post found for angle point;

North 00°26'13" West, a distance of 160.10 feet, (North 00°04' East, a distance of 160.2 feet- record), to a 6" cedar fence post found for angle point;

North 15°10'34" East, a distance of 159.00 feet, (North 15°34' East, a distance of 159.2 feet- record), to a 6" cedar fence post found for corner;

North 89°33'27" West, a distance of 432.92 feet, (North 89°11' West, a distance of 433.9 feet- record), to a 1/2" rebar found for corner;

North 11°27'38" West, a distance of 311.00 feet, (North 11°08' West, a distance of 311.0 feet- record), to a 1/2" rebar with MOS cap set for angle point;

North 15°40'38" West, a distance of 61.30 feet, (North 15°21' West, a distance of 61.3 feet- record), to a 1/2" rebar with MOS cap set for angle point;

North 24°30'38" West, a distance of 52.70 feet, (North 24°11' West, a distance of 52.7 feet- record), to a 1/2" rebar with MOS cap set for angle point;

North 37°04'09" West, a distance of 277.35 feet, (North 36°34' West, a distance of 279.3 feet- record), to a 4" cedar fence post found for angle point;

North 35°05'53" West, a distance of 231.81 feet, (North 34°58' West, a distance of 230.6 feet- record), to a 6" cedar fence post found for angle point;

North 28°41'45" West, a distance of 287.05 feet, (North 28°15' West, a distance of 287.1 feet- record), to a 6" cedar fence post found for angle point;

North 27°47'44" West, a distance of 697.77 feet, (North 27°26' West, a distance of 697.6 feet- record), to a 10" cedar fence post found for angle point;

North 16°56'28" West, a distance of 168.46 feet, (North 16°55' West, a distance of 169.0 feet- record), to a 10" cedar fence post found for angle point;

North 07°27'01" West, a distance of 529.32 feet, (North 06°50' West, a distance of 529.2 feet- record), to the POINT OF BEGINNING and containing 151.629 acres of land, more or less.

Being 990.604 acres of land and being:

Tract 1, a called 347.5 acre tract of land out of the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas, being that same tract conveyed by deed recorded in Volume 62, Page 251, Deed Records of Kendall County, Texas; save and except that certain 1.16 acre tract conveyed by deed to Kendall County for road widening purposes recorded in Volume 66, Page 412, Deed Records of the Kendall County, Texas;

Tract 2, a called 300 acre tract of land, being 194 acres out of the Miguel Garcia Survey No. 213, Abstract No. 197, 84 acres out of the A.M. Holbrook Survey No. 439, Abstract No. 263, and 22 acres out of the C. Volk Survey No. 115, Abstract No. 673, Kendall County, Texas, and being that same tract conveyed by deed recorded in Volume 65, Page 377, Deed Records of Kendall County, Texas, Volume 65, Page 378, Deed Records of Kendall County, Texas, and Volume 65, Page 380, Deed Records of Kendall County, Texas; save and except that certain 2.24 acre tract conveyed by deed to Kendall County for road widening purposes recorded in Volume 66, Page 413, Deed Records of the Kendall County, Texas;

Tract 3, a called 67 acre tract of land out of the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas, being that same tract conveyed by deed recorded in Volume 63, Page 208, Deed Records of Kendall County, Texas;

Tract 4, a called 293.6 acre tract of land, being 383.6 acres out of the David Odom Survey No. 212, Abstract No. 371, and 30 acres out of the Juan Ortiz Survey No. 190, Abstract 363, Kendall County, Texas, and being that same tract described by deed recorded in Volume 63, Page 209, Deed Records of Kendall County, Texas, save and except that certain 120 acre tract of land recorded in Volume 63, Page 215, Deed Records of the Kendall County, Texas;

Said 990.604 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with MDS cap set in the south right-of-way line of State Highway No. 46 (100.00-foot wide right-of-way) at the northwest corner of the remaining portion of the called 347.5 acre tract, the southwest corner of a called 1.16 acre tract conveyed to Kendall County for road widening purposes recorded in Volume 66, Page 412, Deed Records of Kendall County, Texas, the northeast corner of a called 8 acre tract recorded in Volume 409, Page 653, Official Public Records of Kendall County, Texas, said point being the northwest corner of the tract herein described;

THENCE, along the south right-of-way line of State Highway No. 46, the north boundary line of the remaining portion of the called 347.5 acre tract, the following courses and distances:

North 57°02'12" East, a distance of 1259.87 feet (North 57°24' East, a distance of 1265.5 feet- record), to a 1/2" rebar with MDS cap set for point of curvature of a curve to the right;

Curving to the right with a radius of 5679.97 feet (5679.65 feet-record), a central angle of 4°55'00" (04°55'-record), a chord bearing and distance of North 59°29'42" East, 487.26 feet, and an arc length of 487.41 feet (487.4 feet-record), to a 1/2" rebar with MDS cap set for point of tangency;

North 61°57'12" East, a distance of 298.10 feet (North 62°19' East, a distance of 298.10 feet- record), to a 1/2" rebar with MDS cap set for point of curvature of a curve to the right;

Curving to the right with a radius of 1382.39 feet (1382.69 feet-record), a central angle of 21°26'08" (21°24'-record), a chord bearing and distance of North 72°40'16" East, 514.17 feet, and an arc length of 517.18 feet (516.14 feet-record), to a 1/2" rebar with MDS cap set for point of tangency;

North 83°23'20" East, a distance of 194.60 feet (North 83°45' East-record), to a 1/2" rebar with MDS cap set at the northeast corner of the remaining portion of the called 347.5 acre tract, the northwest corner of a called 151.763 acre tract recorded in Volume 1503, Page 560, Official Public Records of Kendall County, Texas;

THENCE, departing the south right-of-way line of State Highway No. 46, along the east boundary line of the remaining portion of the called 347.5 acre tract, the west boundary line of the called 151.763 acre tract, the following courses and distances:

South 07°27'01" East, a distance of 529.32 feet, (South 06°50' East, a distance of 529.2 feet- record), to a 10" cedar fence post found for angle point;

South 16°56'28" East, a distance of 168.46 feet, (South 16°55' East, a distance of 169.0 feet- record), to a 10" cedar fence post found for angle point;

South 27°47'44" East, a distance of 697.77 feet, (South 27°26' East a distance of 697.6 feet- record), to a 6" cedar fence post found for angle point;

South 28°41'45" East, a distance of 287.05 feet, (South 28°15' East, a distance of 287.1 feet- record), to a 6" cedar fence post found for angle point;

South 35°05'53" East, a distance of 231.81 feet, (South 34°58' East, a distance of 230.6-record), to a 4" cedar fence post found for angle point;

South 37°04'09" East, a distance of 277.35 feet, (South 36°34' East, a distance of 279.3 feet- record), to a 1/2" rebar with MDS cap set for angle point;

South 24°30'38" East, a distance of 52.70 feet, (South 24°11' East, a distance of 52.7-record), to a 1/2" rebar with MDS cap set for angle point;

South 15°40'38" East, a distance of 61.30 feet, (South 15°21' East, a distance of 61.3-record), to a 1/2" rebar with MDS cap set for angle point;

South 11°27'38" East, a distance of 311.00 feet, (South 11°08' East, a distance of 311 .0 feet- record), to a 1/2" rebar found for corner;

South 89°33'27" East, a distance of 432.92 feet, (South 89°11' east, a distance of 433.9 feet- record), to a 6" cedar fence post found for corner;

South 15°10'34" West, a distance of 159.00 feet, (South 15°34' West, a distance of 159 .2 feet- record), to a 6" cedar fence post found for angle point;

South 00°26'13" East, a distance of 160.10 feet, (South 00°04' West, a distance of 160 .2 feet- record), to a 6" cedar fence post found for angle point;

South 02°12'22" East, a distance of 60.45 feet, (South 01°56' East, a distance of 61.1 feet- record), to a 1/2" rebar found at the southwest corner of the called 151.763 acre tract, the northwest corner of a called 293.6 acre tract recorded in Volume 63, Page 209, Deed Records of Kendall County, Texas;

THENCE, along the south boundary line of the called 151.763 acre tract, the north boundary line of the called 293.6 acre tract, the following courses and distances:

South 88°42'19" East, a distance of 1219.83 feet, (South 88°24' East, a distance of 1218.1 feet - record), to a 6" cedar fence post found for angle point;

South 88°47'20" East, a distance of 431.20 feet, (South 88°20' East, a distance of 433.6 feet- record), to a 10" cedar fence post found at the southeast corner of the called 151.763 acre tract, the southwest corner of the remaining portion of the called 300 acre tract;

THENCE, along the east boundary line of the called 151.763 acre tract, the west boundary line of the remaining portion of the called 300 acre tract, the following courses and distances:

North 00°13'00" East, a distance of 1959.06 feet, (North 00°37' East, a distance of 1959 .6 feet-record), to a 10" cedar fence post found for corner;

North 89°55'19" West, a distance of 443.77 feet, (North 89°30' West, a distance of 445.4 feet- record), to a 4" cedar fence post found for angle point;

South 89°59'11" West, a distance of 253.59 feet, (North 89°35' West, a distance of 252.4 feet—record), to a 6" cedar fence post found for corner;

North 00°31'29" East, a distance of 441.37 feet, (North 00°55' East, a distance of 440.2 feet- record), to a 4" cedar fence post found for angle point;

North 00°38'03" East, a distance of 771.60 feet (North 01°02' East, a distance of 771.6 feet- record), to a 1/2" rebar with MDS cap set in the south right-of-way line of State Highway No. 46 at the northeast corner of the called 151.763 acre tract, the northwest corner of the remaining portion of the called 300 acre tract;

THENCE, along the south right-of-way line of State Highway No. 46, the north boundary line of the remaining portion of the called 300 acre tract, North 66°16'07" East, a distance of 3817.90 feet (North 66°36' East-record), to a W' rebar with MDS cap set at the northeast corner of the remaining portion of the called 300 acre tract, the southeast corner of a called 2.24 acre tract conveyed to Kendall County for road widening purposes recorded in Volume 66, Page 413, Deed Records of Kendall County, Texas, the northwest corner of a called 8.103 acre tract recorded in Volume 475, Page 778, Deed Records of Kendall County, Texas;

THENCE, departing the south right-of-way line of State Highway No. 46, along the east boundary line of the remaining portion of the called 300 acre tract, the west boundary line of the called 8.103 acre tract, the west boundary line of a called 9.000 acre tract recorded in Volume 1094, Page 1035, Official Public Records of Kendall County, Texas, the west boundary line of a called 5.000 acre tract recorded in Volume 488, Page 774, Official Public Records of Kendall County, Texas, and the west boundary line of a called 6.000 acre tract recorded in Volume 446, Page 211, Official Public Records of Kendall County, Texas, South 00°24'57" West, a distance of 1532.05 feet (South 00°27'49" West, a distance of 1531.94 feet-record), to a 1/2" rebar found at the southwest corner of the called 6.000 acre tract, the northwest corner of a called 97.358 acre tract recorded in Volume 241, Page 22, Deed Records of Kendall County, Texas;

THENCE, continuing along the east boundary line of the remaining portion of the called 300 acre tract, the west boundary line of the called 97.358 acre tract, South 00°00'09" East, a distance of 468.01 feet (South 00°08'45" East, a distance of 468.07 feet-record), to a 1/2" rebar found for angle point;

THENCE, continuing along the east boundary line of the remaining portion of the called 300 acre tract, the west boundary line of the called 97.358 acre tract, South 00°24'40" West, a distance of 2771.22 feet (South 00°32'12" East, a distance of 2771.53 feet-record), to a 1/2" rebar found at the southeast corner of the remaining portion of the called 300 acre tract, being an angle point in the north boundary line of a called 41.91 acre tract recorded in Volume 619, Page 173, Official Public Records of Kendall County, Texas;

THENCE, along the south boundary line of the remaining portion of the called 300 acre tract, the north boundary line of the called 41.91 acre tract, North 89°03'39" West, a distance of 885.87 feet (North 88°56'28" West, a distance of 886.60 feet-record), to a 1/2" rebar with MDS cap set at the northeast corner of the remaining portion of the called 413.6 acre tract, the northwest corner of the called 41.91 acre tract;

THENCE, along the east boundary line of the remaining portion of the called 413.6 acre tract, the west boundary line of the called 41.91 acre tract, the following courses and distances:

South 02°28'57" East, a distance of 436.13 feet (South 02°25'58" East, a distance of 436.13 feet-record), to a 1/2" rebar found for angle point;

South 02°17'03" East, a distance of 507.19 feet (South 02°08'19" East, a distance of 507.23 feet-record), to a 1/2" rebar found for angle point;

South 01°46'53" East, a distance of 738.18 (South 01°39'35" East, a distance of 738.36 feet- record), to a 1/2" rebar found for an angle point;

South 02°05'47" East, a distance of 30.48 feet (South 01°53'04" East, a distance of 30.45 feet- record), to a 1/2" rebar found at the southwest corner of the called 41.91 acre tract, the northwest corner of a called 17.344 acre tract recorded in Volume 739, Page 752, Official Public Records of Kendall County, Texas;

THENCE, continuing along the east boundary line of the remaining portion of the called

413.6 acre tract, the west boundary line of the called 17.344 acre tract, the following courses and distances:

South 02°02'05" East, a distance of 397.23 feet (South 01°55'32" East, a distance of 397.44 feet-record), to a 1/2" rebar found for angle point;

South 03°58'20" East, a distance of 140.89 feet (South 03°53'00" West, a distance of 140.81 feet-record), to a P.K. nail in rock found for an angle point;

South 04°00'35" East, a distance of 169.12 (South 03°54'08" East, a distance of 169.10 feet-record), to a 1/2" rebar found at the southwest corner of the called 17.344 acre tract, the northwest corner of a called 14.000 acre tract recorded in Volume 739, Page 752, Official Public Records of Kendall County, Texas;

THENCE, continuing along the east boundary line of the remaining portion of the called 413.6 acre tract, the west boundary line of the called 14.000, South 03°59'03" East, a distance of 598.44 feet (South 03°54'08" East, a distance of 598.41 feet-record), to a 1/2" rebar found at the southwest corner of the called 14.000 acre tract, the northwest corner of a called 24.757 acre tract recorded in Volume 621, Page 168, Official Public Records of Kendall County, Texas;

THENCE, continuing along the east boundary line of the remaining portion of the called 413.6 acre tract, the west boundary line of the called 24.757, South 04°59'06" East, a distance of 473.65 feet (South 04°51'06" East, a distance of 473.98 feet-record), to a P.K. nail found at the southwest corner of the remaining portion of the called 413.6 acre tract, the northeast corner of a called 185.416 acre tract recorded in Volume 292, Page 688, Deed Records of Kendall County, Texas;

THENCE, along the south boundary line of the remaining portion of the called 413.6 acre tract, the north boundary line of the called 185.416 acre tract, the following courses and distances:

North 88°02'17" West, a distance of 378.66 feet (North 88°22'35" West, a distance of 378.80 feet-record), to a 1/2" rebar with MDS cap set at the base of a 4" cedar fence post for angle point;

North 88°19'42" West, a distance of 1644.75 feet (North 88°34'35" West, a distance of 1644.90 feet-record), to a 1/2" rebar with MDS cap set at the base of a 4" cedar fence post for angle point;

North 88°24'29" West, a distance of 1491.14 feet (North 88°39' West, a distance of 1490.65 feet-record), to a 1/2" rebar with MDS cap set at the base of a 4" cedar fence post for angle point;

North 89°08'09" West, a distance of 168.14 feet (North 89°26'50" West, a distance of 168.35 feet-record), to a P.K. nail set at the base of a 10" cedar fence post for angle point;

South 29°52'11" West, a distance of 168.26 feet (South 29°43' West, a distance of 167.60 feet-record), to a P.K. nail set at the base of a 8" cedar fence post at the southwest corner of the remaining portion of the called 413.6 acre tract, the southeast corner of the abovementioned 67 acre tract;

THENCE, along the south boundary line of the called 67 acre tract, the north boundary line of the called 185.416 acre tract, the following courses and distances:

North 89°45'50" West, a distance of 900.15 feet (North 89°58' West, a distance of 900.90 feet-record), to a P.K. nail set at the base of an 8" cedar fence post for angle point;

North 89°42'53" West, a distance of 183.99 feet (West, a distance of 183.95 feet-record), to a P.K. nail set at the base of a 10" cedar fence post for angle point;

North 89°39'40" West, a distance of 322.30 feet (North 89°53'25" West, a distance of 322.30 feet-record), to a P.K. nail at the base of an 8" cedar fence post for the southwest corner of the called 67 acre tract;

THENCE, along the west boundary line of the called 67 acre tract, the north boundary line of the called 185.416 acre tract, North 38°46'33" West, a distance of 1184.25 feet (North 38°57'50" West, a distance of 1184.40 feet-record), to a 31" Live Oak tree found for angle point, being an exterior corner of the called 185.416 acre tract, an exterior

corner of a called 185.358 acre tract recorded in Volume 1271, Page 43, Official Public Records of Kendall County, Texas;

THENCE, continuing along the west boundary line of the called 67 acre tract, an east boundary line of the called 185.358 acre tract, North 39°44'52" West, a distance of 671.46 feet (North 40°04'15" West, a distance of 671.15 feet-record), to a 1/2" rebar with MDS cap set at the base of an 8" cedar fence post for the northwest corner of the called 67 acre tract, the northeast corner of the called 185.358 acre tract, being in the south boundary line of the remaining portion of the abovementioned 347.5 acre tract;

THENCE, along the south boundary line of the remaining portion of the called 347.5 acre tract, the north boundary line of the called 185.358 acre tract, the following courses and distances:

South 89°54'46" West, a distance of 1050.36 feet (North 88°42'30" West, a distance of 1050.40 feet-record), to a 1/2" rebar with MDS cap set at the base of a 6" cedar fence post for angle point;

North 84°35'37" West, a distance of 130.05 feet (North 84°45' West, a distance of 130.55 feet-record), to 12" cedar fence post found at the southwest corner of the remaining portion of the called 347.5 acre tract, the southeast corner of the remaining portion of a called 85.656 acre tract recorded in Volume 665, Page 736 Official Public Records of Kendall County, Texas;

THENCE, along the west boundary line of the remaining portion of the called 347.5 acre tract, the east boundary line of the called 85.656 acre tract North 00°09'51" West, a distance of 1140.53 feet (North 00°06'41" East, a distance of 1141.24 feet-record), to a 1/2" rebar found at the southeast corner of the abovementioned 8 acre tract for an angle point;

THENCE, continuing along the west boundary line of the remaining portion of the called 347.5 acre tract, the east boundary line of the called 8 acre tract North 00°11'13" West, a distance of 2520.53 feet North 00°06'41" East, a distance of 2519.34 feet-record), to the POINT OF BEGINNING and containing 990.604 acres

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 9074.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9074, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9074.107 to read as follows:

Sec. 9074.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas

Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on May 4, 2017: Yeas 31, Nays 0; passed the House on May 24, 2017: Yeas 137, Nays 9, two present not voting.

Filed without signature June 12, 2017.

Effective June 12, 2017.

**CREATION OF THE LAKEWOOD MUNICIPAL UTILITY
DISTRICT NO. 1; GRANTING A LIMITED POWER OF
EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 665

S.B. No. 2274

AN ACT

relating to the creation of the Lakewood Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7992 to read as follows:

CHAPTER 7992. LAKEWOOD MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7992.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.*
- (2) "Commission" means the Texas Commission on Environmental Quality.*
- (3) "Director" means a board member.*
- (4) "District" means the Lakewood Municipal Utility District No. 1.*

Sec. 7992.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7992.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7992.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7992.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7992.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

- (1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*
- (2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*